

Responses to Comments from State and Local Agency Letters

This section provides responses to comments received on the IS/EA from state and local agencies.

Summary of Comment Letters Received from State and Local Agencies				
Comment Code	Agency	Commenter Name	Date Received	Appendix G Page No.
A-1	Ventura County Watershed Protection District, Watershed Planning and Permits Division	Sergio Vargas, Deputy Director	12/04/17	2 – 4
A-2	Ventura County Air Pollution Control District	Alicia Stratton	12/04/17	5 – 8
A-3	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	Scott Morgan, Director, State Clearinghouse	12/05/17	9 – 10
A-4	Ventura County Planning Division	Linda Blackburn, Senior Planner	12/07/17	11 – 12
A-5	Ventura County Environmental Health Division	Sean Debley, R.E.H.S., Supervising Environmental Health Specialist	12/07/17	13 – 14
A-6	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	Scott Morgan, Director, State Clearinghouse	1/5/18	15
A-7	California Department of Fish and Wildlife	Betty J. Courtney, Environmental Program Manager, South Coast Region	12/15/17	16 – 22



VENTURA COUNTY WATERSHED PROTECTION DISTRICT
WATERSHED PLANNING AND PERMITS DIVISION
800 South Victoria Avenue, Ventura, California 93009
Sergio Vargas, Deputy Director – (805) 650-4077

M E M O R A N D U M

DATE: November 27, 2017

TO: Anthony Ciuffetelli, RMA Planner

FROM: Sergio Vargas, Deputy Director [S.V.](#)

SUBJECT: RM17-024 118 and 23 Widening Project. IS, MND
Zone: 3
Watershed Protection District Project Number: WC2017- 0071
INCOMPLETE

Pursuant to your request dated October 30, 2017, this office has reviewed the submitted materials and provides the following comments.

PROJECT LOCATION:

State Route 118 (SR-118) from Los Angeles Ave. to 0.4 mile west of Tapo Canyon Rd., and to widen State Route 23 (SR-23) from Los Angeles Ave. to 0.8 mile north of Tierra Rejada Rd. in the County of Ventura

PROJECT DESCRIPTION:

The project proposes to add one to two additional mixed-flow lanes by paving the median and widening 11 to 12 structures within the project limits. In addition, the project proposes to install a median barrier and construct soundwalls. Property acquisition would not be required as all proposed project components would occur within the existing SR-118 and SR-23 facilities. There are three alternatives under consideration, including the No Build Alternative and two Build Alternatives. Caltrans is the lead agency for the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA).

APPLICATION COMPLETENESS:

INCOMPLETE - from our area of concern.

WATERSHED PROTECTION DISTRICT COMMENTS:

Comments from Advanced Planning Section:
Page 29 of the IS for State Route 118 and 23 Widening Project states that "there will be no change to the geometry upstream or downstream for streams within the project area (Arroyo Simi, Alamos Canyon Creek, and Brea Canyon Creek). The total runoff of these

Response(s) to Comment Letter A-1
Ventura County Watershed Protection District

See following page.

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November 22, 2017
RMA17-024 118 and 23 Widening Project

streams is unchanged for a 100-year storm event". In addition, HYDROLOGY AND WATER QUALITY Environmental Checklist e) on Page 257 makes the determination of Less than Significant Impacts "Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems". However, the document fails to address cumulative impacts. In fact, the proposed project proposes to pave over 10.9 miles of existing unpaved medians, thereby increasing imperviousness and increasing storm runoff incrementally which can potentially increase potential for flooding along existing District jurisdictional channels. The following channels, have been found to have limited capacity and may be subject to impacts as result of increases in runoff: Arroyo Simi, Santa Susana Drain, Tapo Canyon, Dry Canyon, North Simi Drain, Brea Canyon, Alamos Canyon, Number 2 Canyon, Strathearn Canyon and Happy Camp.

The Project Proponent is requested to consider implementing an onsite stormwater detention system in order to detain the extra flows (peaks and volumes). In accordance with Ordinance WP-2, it is the District's standard that there be no increase in peak flows or volumes for all storm frequencies. Further, a Project can not impair, divert, impede or alter the characteristics of the flow of water running in any jurisdictional redline channel or facility and that any additional flow (peak, volume) must be contained on the site. Therefore, the District requests that the Project Proponent prepare and include in I.S. Document and submit for the District's technical review and comment a detailed hydraulics and hydrology analyses including an onsite stormwater detention design that demonstrates that post-development runoff from the site will not exceed pre-development runoff.

Additionally, the Project proponent is requested to obtain a Watercourse Permit from the Ventura County Watershed Protection District (District) to ensure that project impacts are mitigated and that the project is compliant with the *Ventura County Watershed Protection District Ordinance* WP-2. The purpose of the Permit is to mitigate potential hydraulic impacts to neighboring properties, prevent altering the characteristics of the flow of water except as allowed under the Watercourse Permit within District's jurisdictional channels, and to prevent potential downstream migration of improperly constructed on-site structures and other improvements. The permit application shall include the following:

- a. Construction plans prepared, signed, and stamped by a California licensed civil engineer including but not limited to, a site plan depicting general drainage trends, existing and proposed topography and elevations, proposed improvements in both plan and profile, and construction details that meet the standards of the City of Simi Valley, City of Moorpark, and the Ventura County Watershed Protection District;
- b. Site specific hydrology for existing and proposed conditions that conforms to the Ventura County Watershed Protection District's Hydrology Manual, latest edition, and that continues to demonstrate compliance with the District's requirement that runoff after development not exceed the runoff under existing conditions for any frequency of event;
- c. Hydraulics using a methodology and/or computer model applicable to the proposed improvements and acceptable to the Ventura County Watershed Protection District. Such models include HECRAS and WSPG, latest editions.

Response(s) to Comment Letter A-1 Ventura County Watershed Protection District

A Location Hydraulic Report was prepared in April 2018, following circulation of the IS/EA. The findings of the Location Hydraulic Report are included in section 2.2.1 (Hydrology and Floodplain).

Construction within the 100-year floodplain is not anticipated to substantially increase the base flood elevation. At this time, it is anticipated that a Conditional Letter of Map Revision (CLOMR) would be required with no revisions to the Federal Emergency Management Agency (FEMA) flood insurance rate maps. A Final Flood Control Facilities Report/Final Location Hydraulic Report will be prepared during final project design. Final reports will be prepared during final design to demonstrate that the design of the proposed project provides acceptable flood protection. The change in floodplain elevations would be evaluated based on final design plans of the bridges and other structures where they encroach on the 100-year floodplain. The modeling results would be included in the application for a CLOMR and LOMR, if required, which would be processed through the Ventura County Watershed Protection District (VCWPD) and FEMA.

Caltrans will consider implementing an onsite stormwater detention system during final project design. Additionally, Caltrans will follow the permit application process in order to obtain a Watercourse Permit from the VCWPD and ensure that the project complies with the VCWPD Ordinance WP-2.

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RMA17-024 118 and 23 Widening Project

Models must incorporate all project aspects, including landscaping and vegetative mitigation and be performed on a sufficient channel length to show all project impacts. All jurisdictional channels directly affected by the road widening should be delineated on all applicable project plans to demonstrate that capacity is available to pass the flood flow. The City of Simi Valley is the floodplain administrator and we anticipate that the City's requirements will preclude any fill or other construction within the floodway limits and prescribe restrictions for any loss of storage or increase in water surface elevation for the 1-percent chance flood peak discharge within all jurisdictional channels;

- d. A California licensed civil engineer shall perform a sediment transport study and a detailed scour analysis for the proposed improvements, or provide an analysis and recommendations as to why such studies may not be needed in this case;
- e. Provide a detailed geotechnical study demonstrating adequate support for the proposed improvements prepared by a California licensed geotechnical (soils engineering) consultant;
- f. Provide structural calculations and details prepared, signed, and stamped by a California licensed structural or civil engineer as necessary to demonstrate that the proposed improvements will be stable under the project loading conditions expected including hydraulic impact loading;

END OF TEXT

Response(s) to Comment Letter A-1
Ventura County Watershed Protection District

See previous page.

**VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT**
Memorandum

TO: Mrs. Susan Tse, Senior Environmental Planner, CalTrans

DATE: November 21, 2017

FROM: Alicia Stratton

SUBJECT: Request for Review of Initial Study/Mitigated Negative Declaration for the Highway 118 and 23 Widening Project, CalTrans (Reference No. 17-024)

Air Pollution Control District staff has reviewed the subject Initial Study/Mitigated Negative Declaration, which is a proposal to widen State Route 118 from Los Angeles Avenue to 0.4 mile west of Tapo Canyon Road, and to widen State Route 23 from Los Angeles Avenue to 0.8 mile north of Tierra Rejada Road in Ventura County. The project proposes to add one to two additional mixed flow lanes by paving the median and widening 11 to 12 structures within the project limits. In addition, the project proposes to install a median barrier and construct sound walls.

Section 2.2.5 of the Initial Study/Mitigated Negative Declaration addresses air quality issues. We concur with the findings of the discussion on Page 145-146, *Environmental Consequences, Long-term Operational Emissions*, that the project is part of an area with a conforming RTP and TIP, that the project design concept and/or scope has not changed significantly from that in regional analysis, and conforms to our State Implementation Plan; therefore long-term air quality impacts would not result and the project would not worsen air quality.

Short-term, construction impacts are addressed on Page 161. Because construction at each individual site is anticipated to last two years, emissions are considered temporary. Page 164 discussion indicates that contractors would be required to comply with the requirements of all applicable state and local regulations including, but not limited to, VCAPCD Rules (Opacity), 51 (Nuisance) and 55 (Fugitive Dust). *Avoidance, Minimization and/or Mitigation Measures*, designed to specifically reduce any air quality impacts resulting from construction activities, are described on Pages 167-168. No further air quality mitigation measures are required for the construction phases of this project.

The *Mobile Source Air Toxic Analysis* (MSAT) is presented on Page 152. This discussion indicates that in the Federal Highway Administration’s view, information is

Response(s) to Comment Letter A-2
Ventura County Air Pollution Control District

Response to Comment A-2.1

As discussed as part of the Mobile Source Air Toxics (MSAT) Analysis and as referenced in the FHWA’s latest Updated Interim Guidance on MSAT in NEPA Document dated October 8, 2016, Caltrans believes that, because of the limitations in the methodologies for forecasting the health impacts described, any predicted difference in health impacts between alternatives is likely to be much smaller than the uncertainties associated with predicting the impacts. Consequently, the results of such assessments would not be useful to decision makers, who would need to weigh this information against project benefits, such as reducing traffic congestion, accident rates, and fatalities plus improved access for emergency response, that are better suited for quantitative analysis.

To further illustrate the points made above and contained within the Initial Study with Proposed Mitigated Negative Declaration / Environmental Assessment (ISMND/EA) dated October 2017 and the Final MND/FONSI, it is noted that the FHWA reviewed health risk assessments for a hypothetical roadway under a National Cooperative Highway Research Program research project and three major roadway projects (FHWA-AZ-EIS-14-01-F):

The FHWA’s review focused on the methodologies used in the studies and the findings related to the incremental health risk attributable to the projects. All four of the health risk assessments involved very conservative assumptions regarding emissions and exposure.

For example, each of the studies assumes constant near-term emissions rates, even though national projections by the EPA and the emissions analysis for this project show that there will be a large decline in emissions over the lifetime of the project.

Likewise, all 4 of the modeling studies assume constant breathing of outdoor air at a fixed location for either 30 years (1 study) or 70 years (3 studies). They assume that people will not change residence (which occurs every 8 years on average in the United States), change jobs (which occurs every 3 years on average), or travel to different parts of a metropolitan area over the course of a given day (even though people travel 26 miles per day on average). The studies even assume that students will remain at elementary schools 24 hours per day for 30 or 70 years. These assumptions are not realistic and introduce a considerable amount of uncertainty into the results. Even with these conservative assumptions, the 4 studies all report very low risk. Estimated incremental cancer risk from vehicle traffic at the worst-case location in each study ranged from 0.08 case of cancer per million people to 2 cases per million people. As a point of reference, the risk management framework in the EPA’s Air Toxics Risk Assessment Reference Library defines risk levels between 1 in 1 million and 100 in 1 million as “acceptable.” (A risk level of “1 in 1 million” is frequently mentioned in discussions of cancer risk, but under EPA risk assessment guidelines, this represents a level below which risk is considered “negligible” and is not a standard or other type of pass/fail threshold). For noncancerous health risks, the EPA uses a metric known as the “hazard quotient,” where the estimated risks for each pollutant are added together, and a total of less than 1 is considered acceptable. Each of the locations modeled in 3 of the studies had hazard quotients from vehicle emissions of less than 1, in most cases much less; the remaining study did not calculate a hazard quotient. In short, none of these health risk assessments for major roadway projects (including the 2 examples provided by the EPA) identified health risks in excess of the “acceptable” thresholds in the EPA’s risk management framework.

incomplete or unavailable to credibly predict the project-specific health impacts due to changes in Mobile Source Air Toxics emissions associated with a proposed set of highway alternatives. A quantitative analysis for the project was derived from “A Methodology for Evaluating Mobile Source Air Toxic Emissions Among Transportation Project Alternatives.” Results from this analysis are presented in Tables 32, 33 and 34 of the Initial Study/Mitigated Negative Declaration. The increase in VMTs for the build alternatives are anticipated in localized increases in MSAT emissions when compared to the no build alternatives. Despite this, the discussion states that the magnitude and duration of the potential increases as a result of the overall project cannot be accurately quantified because research is still being conducted on health effects and modeling techniques and lack of available data on local arterials. Furthermore, the discussion states that while these emissions are estimated based on the vehicle fleet and fuel regulations current up to the development of EMFAC2014, the emissions of MSAT will likely be further reduced in the future due to implementation of future vehicle and fuel regulations by ARB and EPA.

We wish to submit the following revisions for the mitigated negative declaration:

1. As stated on Page 156 of the Mitigated Negative Declaration, “air toxics concerns continue to be raised on highway projects during the NEPA process, and even as the science emerges, we are duly expected by the public and other agencies to address MSAT impacts in our environmental documents.” Despite the federal perspective that the magnitude and duration of the potential increases as a result of the overall project cannot be accurately quantified because research is still being conducted on health effects and modeling techniques and lack of available data on local arterials, the District remains concerned that the project and associated mobile source air toxics could adversely impact surrounding areas. To that end, state and local protocols can help to inform the public and decision makers about the relative risks posted by the project. We therefore recommend that the MSAT Analysis be expanded to include near-roadway health risk quantification practices commonly performed in California, which are commonly used to satisfy CEQA’s requirement that environmental impacts be identified, assessed, and avoided or mitigated (as possible) if they are significant. The California Air Pollution Control Officers Association’s (CAPCOA) *Health Risk Assessments for Proposed Land Use Projects* provides guidance on near-roadway risk characterization for CEQA purposes including emissions modeling, dispersion modeling, exposure modeling, and determination of cancer risk due to diesel particulate matter. These can all be applied to this project. This methodology focuses on diesel particulate matter, since the cancer risk posed by this pollutant is more significant than the other carcinogenic MSATs. A thorough MSAT analysis is important for this project because the project is near residential uses and studies suggest that elevated roadways promote significantly higher MSAT concentrations in nearby uses.

A-2.1

Response(s) to Comment Letter A-2
Ventura County Air Pollution Control District

Response to Comment A-2.1 (continued)

To help put these low health risks from roadway emissions into perspective, the FHWA compared them with health risks from traffic fatalities. In 2010, there were 2.47 million deaths in the United States, and 32,728 of these were due to traffic fatalities, meaning that the risk of dying in a traffic accident in 2010 was 0.0106 percent. Converted to terms of risk per million people, this represents a risk of 106 in 1 million per year, or 7,420 in 1 million as a 70-year lifetime risk, consistent with cancer risk estimation. While this risk is very high, and while the FHWA is actively working to improve highway safety, most people seem to consider this risk “acceptable” in the sense that they do not avoid vehicle trips to reduce it. In addition, if the MSAT risk estimates in the studies summarized above are correct, it means that the incremental risk of cancer from breathing air near a major roadway is several hundred times lower than the risk of a fatal accident from using a major roadway. The EPA must make decisions regarding acceptable risk when it develops regulations to control hazardous air pollutants (air toxics) under Titles II and III of the Clean Air Act. The EPA’s National Emission Standards for Hazardous Air Pollutants for benzene emissions is based on attaining a risk level of no more than 100 cases of cancer per 1 million people. The EPA’s 2007 mobile source air toxics rule, covering vehicles, fuels, and fuel containers, is designed to result in a remaining risk of approximately 5 in 1 million. Both of these risk levels, considered acceptable by the EPA as an outcome of its rulemaking processes, are much higher than the estimated risk from the highway projects that the FHWA reviewed.

2. The Project Analysis discussion on Page 161 states that “MSAT emissions in all future years (2025, 2030 and 2040) are anticipated to significantly decrease when compared to the existing (2014) conditions.” Please note that increases in motor vehicle efficiency to do not eliminate the need to address potential impacts from roadway MSATs on nearby land uses as part of CEQA review. The California Air Resources Board (ARB) guidance on reducing MSAT near roadways demonstrates the continued need to include MSAT discussion in CEQA review of high-volume roadways. ARB’s *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways* maintains that the expected increase in motor vehicle efficiency does not eliminate MSAT impacts near roadways, as follows:

In spite of past successes and ongoing efforts to improve near roadway air quality in California, exposure to traffic pollution is still a concern because pollution concentrations and exposure levels near high-volume roadways continue to indicate that there is a lingering public health concern. In addition, the Office of Environmental health Hazard Assessment (OEHHA) recently revised its methodology for risk assessment in order to estimate more accurately the health impacts of exposure. This reanalysis has resulted in a revision of cancer risks from exposure to toxic air contaminants, including those emitted by transportation-related sources, to significantly higher levels. ARB forecasting models also indicate that air quality issues will persist even with changes in vehicle technologies and increasingly stringent emissions and fuel regulations

A-2.2

3. The first sentence, third paragraph on Page 130 should be revised to state that “The primary agency responsible for attaining state and federal air quality standards in the Ventura County portion of the SCCAB for the proposed project is the VCAPCD.”

A-2.3

4. Table 23, *Three Year Ambient Air Monitoring Data*, Page 135, presents monitoring data from Ventura County for 2013 through 2015. Please note that data for 2016 is available and could be included in this table. The information for 2016 is:
O3 – 1- hour Max concentration 0.101 ppm, 1 day;
O3 – 8- hour Max concentration 0.084 ppm, 8 days 0.070 ppm, 4 days 0.075 ppm;
PM10 24 hour (50 ug/m3) max concentration should be 166.1 with 1 day over NAAQS;
PM10 2013 national average should be 24.1;
PM2.5 24 hour max concentration should be 34.9;
PM2.5 national annual average should be 8.8; and

A-2.4

Response(s) to Comment Letter A-2
Ventura County Air Pollution Control District

Response to Comment A-2.2

Reference is made to the project-level analyses of MSAT emissions from each of the 25 segments along the eastbound freeway and of the 23 segments along the westbound freeway. The magnitude of reduction in future diesel particulate matter (DPM) emissions (typically used as a surrogate in a health risk assessment) is well illustrated in the graphs included in Appendix F. Each of the segments in the EB and WB direction is typically separated from one ramp to the next ramp in the same direction. A more detailed description of the limits for each segment is provided in Tables in Appendix D. According to available aerial photos, residential receptors along the proposed project are primarily concentrated in the areas between First Street and Tapo Canyon Road. As provided in the Tables in Appendix D, these areas are located in close proximity of the segments numbered 14 through 25 in the EB direction; and 1 through 6 in the WB direction. Emissions of MSATs are summarized for these segments in Tables in Appendix E while emissions of DPMs along these segments are graphically illustrated in Appendix F. As shown in the graphs of DPM emissions in all future years, those receptors near the segments along the EB and WB direction of the freeway are anticipated to experience reduction of at least 89 percent in 2025, 92 percent in 2030, and 94 percent in 2040 when compared to the existing baseline conditions. Coupled such large reduction in future DPM emissions with the limitations in the methodologies for forecasting the health impacts and uncertainties associated with predicting the impacts, Caltrans believes that the results of such assessments would not be useful to decision makers, who would need to weigh this information against project benefits, such as reducing traffic congestion, accident rates, and fatalities plus improved access for emergency response, that are better suited for quantitative analysis provided in the Final IS/EA.

Response to Comments A-2.3 through A-2.5

Section 2.2.6 (Air Quality) has been revised to address comments A-2.3 through A-2.5.

NO2 max concentration state standard should be 0.039 ppm and max concentration 39 ppb.

5. This table should be revised to reflect that:

PM10 2014 (50 ug/m3) should be 4, 2015 should be 4;
PM10 2013 national average should be 22.6, 2014 should be 14.4 and 2015 should be 22.2;
PM2.5 2014 national average should be 9.1, 2015 should be 8.4.

6. Table 23, *Three Year Ambient Air Monitoring Data*, Page 135, presents CO levels in Ventura County. Our agency’s monitoring of CO was discontinued in March 2004, so we assume this data is from another source.

7. The discussion on Regional Conformity, Page 145, should be revised to state that the 2016 RTP/SCS was adopted by SCAG on April 7, 2016.

8. Question Q.3.1.4, Page 146, indicates that Ventura County is designated as a non-attainment for federal ozone standard among other pollutants. Please clarify this statement regarding other pollutants and note that Ventura County is designated non-attainment for the state ozone standard and state PM10 standard.

Thank you for your attention to our concerns and the opportunity to review this project. Our comments support the CEQA aim to disclose to the public the significant environmental effects of a proposed discretionary project through the preparation of environmental documents. If you have any questions, please call me at (805) 645-1426 or email alicia@vcapcd.org.

A-2.4

A-2.5

A-2.6

A-2.7

A-2.8

Response(s) to Comment Letter A-2
Ventura County Air Pollution Control District

Response to Comment A-2.6

Monitoring data have been updated as noted. As noted, the data had been obtained from monitoring activities before they were discontinued in 2004. The ambient monitoring data table was revised with appropriate notes to indicate correct years from when the monitoring data were obtained.

Response to Comments A-2.7 through A-2.8

Section 2.2.6 (Air Quality) has been revised to address comments A-2.7 and A-2.8.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

December 5, 2017

Cesar Moreno
California Department of Transportation, District 7
100 South Main Street, suite 100
Los Angeles, CA 90012

Subject: State Route 118 Widening Project
SCH#: 2017101053

Dear Cesar Moreno:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on December 4, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Response(s) to Comment Letter A-3

Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

The statement that Caltrans has complied with the State Clearinghouse review requirement is acknowledged.

Document Details Report
State Clearinghouse Data Base

SCH# 2017101053

Project Title State Route 118 Widening Project

Lead Agency Caltrans #7

Type MND Mitigated Negative Declaration

Description Note: Review Per Lead

Caltrans in cooperation with Ventura County Transportation Commission is proposing to widen SR 118 from Los Angeles Ave to 0.4 mile west of Tapo Canyon Rd and to widen SR 23 from Los Angeles Ave to 0.8 mile north of Tierra Rejada Rd in the county of Ventura. The project proposes to add one to two additional mixed-low lanes by paving the median and widening 11 to 12 structures within the project limits. In addition, the project proposes to install a median barrier and construct soundwalls. Property acquisition would not be required as all proposed project components would occur within the existing SR 118 and SR 23 facilities. There are three alternatives under consideration, including the No build alternative and two build alternatives.

Lead Agency Contact

Name Cesar Moreno

Agency California Department of Transportation, District 7

Phone (213) 897-0697

email

Address 100 South Main Street, suite 100

City Los Angeles

Fax

State CA

Zip 90012

Project Location

County Ventura

City Moorpark, Simi Valley

Region

Lat / Long

Cross Streets Tierra Rejada Rd and Tapo Canyon Rd

Parcel No.

Township

Range

Section

Base

Proximity to:

Highways SR 118, 23

Airports

Railways Ventura County Line

Waterways Arroyo Simi, Alamos Canyon Creek, Brea Canyon Creek

Schools

Land Use transportation corridor

Project Issues

Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Schools/Universities; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies

Resources Agency; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Regional Water Quality Control Board, Region 4; Air Resources Board, Transportation Projects; Native American Heritage Commission; Santa Monica Bay Restoration

Date Received 10/24/2017

Start of Review 10/25/2017

End of Review 12/04/2017

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response(s) to Comment Letter A-3
Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit

See previous page.

State Route 118 Widening Project

Appendix G 10

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division

Kimberly L. Prillhart
Director

December 7, 2017

California Department of Transportation
Division of Environmental Planning (SR-118 Widening Project)
Attn.: Susan Tse, Senior Environmental Planner
100 South Main Street MS-16A
Los Angeles, CA 90012

Subject: Notice of Availability (NOA) of the Initial Study/Environmental Assessment and Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration for the State Route 118 Widening Project

Dear Mrs. Tse,

Thank you for the opportunity to comment on the Caltrans Notice of Availability (NOA) of the Initial Study/Environmental Assessment and Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration for the State Route 118 Widening Project. The Ventura County Planning Division has reviewed the Mitigated Negative Declaration and provides the following response.

Project description and limits. The expansion area for State Route 118 is identified as starting from Los Angeles Avenue to 0.4 miles west of Tapo Canyon Road and the expansion area for State Route 23 as starting from Los Angeles Avenue to 0.8 miles north of Tierra Rejada Road. The proposed improvements include one to two additional mixed-flow lanes by paving the median, widening 11 to 12 structures, installing a median barrier and construct sound walls.

Wildlife Movement and Fencing. In the MND Section 2.3.1 under Build Alternatives, it states "Depending on the activity and equipment used for roadway work, potential exists for temporary reduced use of Alamos Canyon by wildlife during construction." The *Avoidance, Minimization and/or Mitigation Measures* listed within the same section recommends "...fencing shall be installed in a manner that does not prevent wildlife use of the crossing as in creating a barrier that spans the crossing but to limit the work zone to only the area necessary to perform the work."

Although the document identifies and acknowledges the need to protect wildlife movement along the corridor, the language is insufficient and vague. In addition, further in the document under the CEQA Significance Determinations for Biological Resources section, mitigation measures are not proposed in any of the significance criteria sections. This includes the finding for *Would the project...* "d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?" which was determined to be a "Less than Significant Impact".

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Response(s) to Comment Letter A-4 Ventura County Planning Division

Response to Comment A-4.1

Opportunities for wildlife movement within the project limits currently exist in the Arroyo Simi and Alamos Canyon areas. Outside of these locations, SR-118 and SR-23 pass through mostly developed areas of Simi Valley and Moorpark.

The work proposed under the preferred alternative will include constructing eight pilings within the upper banks of Arroyo Simi. Temporary fencing will be placed around the area to construct the pilings associated with the Arroyo Simi Overhead widening. Construction of the pilings would not reduce the width of the Arroyo Simi or have any known reason to inhibit the use of the creek by wildlife. See Figure 34 in section 2.3.1 (Natural Communities) for the placement of the temporary fencing.

Temporary fencing will be installed at the Alamos Canyon Undercrossing during construction. See Figure 35 in section 2.3.1 (Natural Communities) for the placement of the temporary fencing. The placement of the temporary fencing would not create a barrier that spans the crossing within this wildlife movement area. The width of the westerly opening at Alamos Canyon would be maintained at approximately 22 ft. and the width of the easterly opening would be maintained at approximately 44 ft. As a result, habitat connectivity would not be severed, substantially interfered or potentially blocked, and visual continuity would be maintained at this location.

Potential indirect impacts related to noise and lighting during construction in the Arroyo Simi and Alamos Canyon areas would be minimized by restricting work to daytime hours.

The MND discusses construction fencing as being installed in a manner that does not prevent wildlife use of the crossing however, there does not appear to be discussion of wildlife permeability for the permanent sound walls and median barrier. Fences and walls have the potential to impede the movement of wildlife among core habitat areas located in both Los Angeles and Ventura Counties' jurisdiction. Potential impacts of fences, walls and barriers associated with the proposed project on wildlife movement should be addressed and mitigation measures proposed in the MND. Such analysis should consider wildlife permeable designs that do not impede wildlife movement and concurrently maintain compliance with other mitigation measures for the project such as noise attenuation objectives for the sound walls.

Mapped Migration Corridors and Linkages. The potential impacts to wildlife movement and migration associated with the proposed project have the potential to indirectly impact the contiguity and persistence of wildlife movement and migration to and from neighboring jurisdictions, such as Ventura County. Wildlife corridors are a significant biological resource as stated in the Ventura County General Plan¹ and impacts to these resources are considered potentially significant under Ventura County's CEQA environmental thresholds of significance, which state "a project would impact *habitat connectivity* if it would: (c) construct or create barriers that impede fish and/or wildlife movement, migration or long term connectivity (emphasis in original)."²

Conclusion/Additional information needed. Currently, there is not enough information to determine a level of significance for potential impacts of the project on wildlife movement and migration. Ventura County Planning staff respectfully requests that the aforementioned comments be taken into consideration and additional information addressing these concerns be provided. This should be inclusive of but not limited to the specific locations, construction materials, and demonstration of wildlife permeability of the proposed temporary fencing, permanent walls and barriers. This would assist Ventura County Planning staff in its review of the proposed Highway 118 widening and assessing potential environmental impacts.

Thank you again for the opportunity to comment. If you have any questions, please contact me at 805-654-3327 or linda.blackburn@ventura.org

Sincerely,



Linda Blackburn, Senior Planner
Long Range Planning Section
Ventura County Planning Division

Cc: File RMA#17-024

¹ Ventura County General Plan Goal 1.5.1

² Ventura County Initial Study Assessment Guidelines (ISAGs), available online at: http://www.ventura.org/rma/planning/pdf/ceqa/current_ISAG.pdf

Response(s) to Comment Letter A-4 Ventura County Planning Division

Figures 25 through 31 have been added to section 2.2.7 (Noise) to show the proposed soundwall locations. As shown, the proposed soundwalls would be placed within existing developed areas, such as along roadways adjacent to single-family and multi-family residences within the cities of Simi Valley and Moorpark, where wildlife movement is constrained. As a result, the proposed soundwalls would not impede wildlife movement.

The proposed median barrier would be installed throughout the project limits between 3 to 4 lanes of traffic along SR-23 and SR-118. Undeveloped land occurs on opposite sides of SR-118 between Collins Drive and Madera Road. Outside of this stretch, SR-118 and SR-23 pass through mostly developed areas of Simi Valley and Moorpark.

A permanent wildlife fence has been incorporated into the project design. The fence will be installed on both sides of SR-118 between Collins Drive and Madera Road to direct wildlife through the Alamos Canyon Undercrossing, and through other existing structures (e.g., culverts, tunnels, etc.) in the area that could function as passageways for wildlife. The fence would be placed within Caltrans right-of-way and would be continuous to prevent wildlife from accessing the highway. Specific design features/concepts (e.g., one-way gates, escape ramps, fence location, et. al.) and a monitoring/data collection plan to evaluate the fence's effectiveness in directing wildlife to associated bridge undercrossings and large culverts/tunnels will be developed in conjunction with the cities of Moorpark and Simi Valley, the County of Ventura, National Park Service, Rancho Simi Recreation and Park District, the Nature Conservancy, and the Mountain Recreation and Conservation Authority.

RESOURCE MANAGEMENT AGENCY
county of ventura

Environmental Health Division
William C. Stratton
Director

December 4, 2017

Susan Tse
Division of Environmental Planning, CA Department of Transportation
100 South Main Street MS-16A
Los Angeles, CA 90012

**County of Ventura Environmental Health Division Comments - State Route 118
Widening Project Initial Study / Environmental Assessment**

The Division is the Local Enforcement Agency (LEA) and is responsible for enforcing laws and regulations pertaining to solid waste disposal sites in Ventura County. Since the above referenced area is a recognized closed solid waste disposal site, the Division is responsible for ensuring compliance with post-closure land use activities, and is required to review and approve land-use development projects on near these sites.

The proposed project includes the expansion of State Route 118 (SR-118) and State Route 23. The properties identified as APNs 513-0-010-290 and 513-0-010-275, which are on or near this project, are a closed, inactive, pre-regulation solid waste facility identified as County Yard Site 1962 (SWIS# 56-CR-0023). Records indicate approximately 27,000 cubic yards of waste was removed by the State Department of Transportation during previous freeway construction projects before 1993, however, an unknown quantity of waste remains. **This site was not identified in the project description and initial study / environmental assessment.**

As referenced in Title 27, California Code of Regulations (CCR), Section 21190(c):

"all proposed post closure land uses, other than non-irrigated open space, on sites implementing closure or on closed sites shall be submitted to the LEA, Regional Water Quality Control Board, local air district and local land use authority. The LEA shall review and approve proposed post closure land uses if the project involves structures within 1000 feet of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste."

In accordance with the above section, the applicant is required to submit the proposed post-closure land use activities along with a post-closure monitoring plan to comply with the requirements and conditions specified in Title 27 CCR, Article 2. A site assessment is required, and remediation activities may be necessary.

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800 South Victoria Avenue, Ventura, CA 93009-1730 (805) 654-2813 FAX (805) 654-2480
Internet Web Site Address: www.vcrma.org/envhealth

**Response(s) to Comment Letter A-5
County of Ventura Environmental Health Division**


All work will take place within State right-of-way, and there will be no disturbance to the County Yard Site #62 as a result of the proposed project. The site has been identified in the Affected Environment discussion in section 2.2.5 (Hazardous Waste/Material).

Caltrans will submit a post-closure monitoring plan to comply with the requirements and conditions specified in Title 27 CCR, Article 2. Also, a site investigation will be conducted during the project final design phase.

A guidance document prepared by CalRecycle for disposal site post-closure land-use further describes the Division's authority and responsibilities related to the review and approval of land use projects located on or near solid waste disposal sites:

<http://www.calrecycle.ca.gov/LEA/Advisories/51/default.htm/Attach2.htm>

If you have any questions about this site or the Division's review process, please contact me at Sean.Debley@ventura.org or (805) 654-2821.


Sean Debley, R.E.H.S.
Supervising Environmental Health Specialist
Technical Services Section
Environmental Health Division

- c: Enrique Casas, LARWQCB
Rebecca Lustig, VCEHD
Anthony Ciuffetelli, EDR Coordinator, Ventura County Planning Division

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Response(s) to Comment Letter A-5
County of Ventura Environmental Health Division

See previous page.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

January 4, 2018

Cesar Moreno
California Department of Transportation, District 7
100 South Main Street, suite 100
Los Angeles, CA 90012

Subject: State Route 118 Widening Project
SCH#: 2017101053

Dear Cesar Moreno:

The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on December 4, 2017. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2017101053) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Response(s) to Comment Letter A-6

Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

The comment letter from the California Department of Fish and Wildlife (CDFW) was received via email on December 15, 2017. Responses to the comments in the CDFW letter can be found on pages 18 through 21 of this appendix.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



December 15, 2017

Ms. Susan Tse, Senior Environmental Planner
Caltrans Department of Transportation (District 7)
100 S Main St, MS 16A
Los Angeles, CA 90012
(213) 897-1821
susan.tse@dot.ca.gov

Dear Ms. Tse:

**Subject: Initial Study with Proposed Draft Mitigated Negative Declaration and
Environmental Assessment for the Ventura State Route 118 (SR-118) Widening
(Project) in Ventura County.**

The California Department of Fish and Wildlife (CDFW) received a Draft Mitigated Negative Declaration (DMND) circulated by the California Department of Transportation (Lead Agency). The Lead Agency's DMND is for the SR-118 Widening (Project), pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, the law charges CDFW to provide as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA, (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority, (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law as any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code §1900 et seq.), related authorization as provided by the Fish and Game Code will be required.

Conserving California's Wildlife Since 1870

**Responses to Comment Letter A-7
California Department of Fish and Wildlife**

See pages 18 – 21 of this appendix.

Ms. Susan Tse, Senior Environmental Planner
Caltrans Department of Transportation (District 7)
December 15, 2017
Page 2 of 7

PROJECT DESCRIPTION

Project Proponent:
California Department of Transportation (Caltrans)

Project Summary:
The Lead Agency is proposing three alternatives that would widen State Route 118 (SR-118) and State Route 23 (SR-23). The Project proposes to add one to two additional mixed-flow lanes by paving the median, and widen 11 to 12 undercrossings, a bridge, or streambeds (based on the Alternative) within the Project limits. In addition, the Project proposes to install a median barrier and construct soundwalls throughout the Project limits. All proposed work would be constructed within the existing SR-118 and SR-23 right-of-ways.

Project Objectives Based on Alternative:

There are no specific objectives for the proposed No Build Alternative.

The objectives of the proposed Build Alternative 2 are:

1. One mixed-flow lane between Los Angeles Avenue and Tapo Canyon Road;
2. One mixed-flow lane between Collins Drive, Madera Road, on SR-118;
3. One mixed-flow lane between Los Angeles Avenue, Tierra Rejada Road, on SR-23;
4. Pave the median from 0.8 mile north of Tierra Rejada Road to Los Angeles Avenue;
5. Pave the median from Princeton Avenue to Collins Drive;
6. Construct soundwalls and median barrier;
7. Incorporate Appropriate On-Site Drainage Systems;
8. Install Appropriate Water and Sanitation Systems;
9. Widen all the Undercrossings located at Princeton Avenue, Alamos Canyon, Madera Road, Caldwell Avenue, Erringer Road, Sycamore Drive, Galena Avenue, Sequoia Avenue, and Los Angeles Avenue;
10. Widen Dry Canyon and Arroyo Del Tapo Streams; and
11. Widen the Arroyo Simi Overhead Bridge that spans the Arroyo Simi.

The objectives of the proposed Build Alternative 3 are:

1. One mixed-flow lane between Los Angeles Avenue and Tapo Canyon Road;
2. One mixed-flow lane between Collins Drive, Madera Road, on SR-118;
3. One mixed-flow lane between Los Angeles Avenue, Tierra Rejada Road, on SR-23;
4. Pave the median from 0.8 mile north of Tierra Rejada Road to Los Angeles Avenue;
5. Pave the median from Princeton Avenue to Collins Drive;
6. Construct soundwalls and median barrier;
7. Incorporate Appropriate On-Site Drainage Systems;
8. Install Appropriate Water and Sanitation Systems;
9. Widen all the Undercrossings located at Princeton Avenue, Alamos Canyon, Madera Road, Caldwell Avenue, Erringer Road, Sycamore Drive, Galena Avenue, Sequoia Avenue, and Los Angeles Avenue; and
10. Widen Dry Canyon and Arroyo Del Tapo Streams.

Responses to Comment Letter A-7
California Department of Fish and Wildlife

See pages 18 – 21 of this appendix.

Ms. Susan Tse, Senior Environmental Planner
Caltrans Department of Transportation (District 7)
December 15, 2017
Page 3 of 7

Absent the No Build Alternative, CDFW recommends Alternative 3 as the least impactful alternative for biological resources.

Location: The proposed widening of SR-118 and SR-23 would occur from Los Angeles Avenue to 0.8-mile north of Tierra Rejada Road.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following mitigation recommendations below to assist the Lead Agency in adequately identifying and/or mitigating the Project's significant or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

I. Project Description and Related Impact Shortcoming

Issue #1: The Project, based on a review of the Initial Study, under Alternative 2, will lead to impacts to riparian resources of the Arroyo Simi.

Issue #2: The Project, based on a review of the Initial Study, would create permanent impacts to Dry Canyon and Arroyo Del Tapo streams.

Specific impact: According to Lead Agency DMND, "The work proposed under Alternative 2 includes constructing eight pilings within the upper banks of Arroyo Simi" (page 194). Additionally, further widening of both Dry Canyon and Arroyo Del Tapo streams would be necessary to accommodate Project implementation under both Alternatives 2 and 3.

Why impact would occur: Widening of the Arroyo Simi Overhead, Dry Canyon, and Arroyo Del Tapo streams to accommodate widening of SR-118 and SR-23.

Evidence impact would be significant: Potential exists for reduced use of wildlife within and adjacent the Arroyo Simi during pile driving and other construction activities. Additionally, heavy equipment would access the Arroyo Simi, which would change the topography of the stream banks and bed. Additionally impacts related to noise, dust, and vibration will likely occur.. Pile-driving activities would permanently affect the banks of the Arroyo Simi and could result in degraded vegetation and habitat; general disturbance creates an environment for the introduction of non-native plant species, reducing the overall functions and values of the Arroyo Simi open space to biological resources.

Recommended Potentially Feasible Mitigation Measures (Regarding Project Description and Related Impact Shortcoming)

Mitigation Measure # 1: To minimize significant impacts CDFW recommends avoidance of impacts to the Arroyo Simi.

Mitigation Measure # 2:CDFW has regulatory authority over activities occurring in streams and or lakes that could adversely affect any fish or wildlife resource. For any activity that will substantially divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed, the Project applicant must provide written notification to CDFW pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, CDFW then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. CDFW's issuance of an LSA Agreement is a project subject to CEQA. To facilitate issuance of a LSA Agreement, if

A-7.1

Responses to Comment Letter A-7
California Department of Fish and Wildlife

Response to Comment A-7.1

The CDFW recommendation of Alternative 3 as the least impactful alternative for biological resources is acknowledged.

Ms. Susan Tse, Senior Environmental Planner
Caltrans Department of Transportation (District 7)
December 15, 2017
Page 4 of 7

necessary, the environmental document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement. Early consultation is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. Again, the failure to include this analysis in the Project's environmental document could preclude CDFW from relying on the Lead Agency's analysis to issue a LSA Agreement without CDFW first conducting its own, separate Lead Agency subsequent or supplemental analysis for the Project. Information on submitting a Notification for a LSA Agreement, the current fee schedule, and timelines required in obtaining an Agreement and found using the following URL: <https://www.wildlife.ca.gov/Conservation/LSA>.

II. Environmental Setting and Related Impact Shortcoming

Issue # 1: Least Bell's vireo (*Vireo bellii pusillus*) has been documented in the area of the Arroyo Simi where the Project is proposed.

Specific impact: The Department considers adverse impacts to a species protected by CESA, for the purposes of CEQA, to be significant without mitigation.

Why impact would occur: Development of the proposed Project.

Evidence impact would be significant: As to CESA, take of any endangered, threatened, candidate species, or state-listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if Project construction, operation or maintenance, or any other-related activity during the life of the Project, will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from the Department may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)].

Mitigation Measure #1: To minimize significant impacts CDFW recommends early consultation, as significant modification to a Project and mitigation measures may be required in order to obtain CESA authorization. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

Mitigation Measure #2: To minimize significant impacts CDFW recommends protocol surveys be conducted during the appropriate time of year by a qualified ornithologist prior to adoption of the MND, and subsequently prior to any ground disturbance activities. The results of the surveys may influence the requirement of more mitigation measures, ultimately adopted within the final CEQA document. Protocol survey guideline for this species, and others, are located at <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>

A-7.2

Responses to Comment Letter A-7
California Department of Fish and Wildlife

Response to Comment A-7.2

The potential impacts to lake, stream or riparian resources, along with applicable avoidance, mitigation, monitoring and reporting commitments, are fully identified in section 2.3 (Biological Environment). Concurrence from the California Department of Fish and Wildlife (CDFW) regarding impact analysis and proposed mitigation was previously achieved through early coordination.

Focused surveys were conducted by qualified personnel during appropriate time of year. Such focused surveys would be conducted by qualified personnel again within one year prior to clearing and grubbing during the appropriate time of year. Caltrans and our certified qualified biologists are familiar with the website provided and refer to it often.

Ms. Susan Tse, Senior Environmental Planner
Caltrans Department of Transportation (District 7)
December 15, 2017
Page 5 of 7

Mitigation Measure #3: To minimize significant impacts CDFW recommends avoiding the nesting bird season, which generally runs from February 1st through September 1st (as early as January 1st for some raptors), for all Project-related, activities to avoid take of birds or their eggs. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Additionally, Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory non-game birds (as listed under the Federal MBTA). If avoidance of the avian breeding season is not feasible, CDFW recommends submittal of a nesting bird management plan to CDFW for review. Additionally, surveys by a qualified biologist with experience in conducting breeding bird surveys should be completed to detect bird nests within suitable nesting habitat that is to be disturbed and within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

ADDITIONAL COMMENTS: There are discrepancies in the Initial Study provided by the Lead Agency. CDFW has questions with regard to the completeness and appropriateness of the Project-related impacts evaluation with regard to biological resources.

Issue #1: The Lead Agency's DMND states, "Wetlands and other waters are discussed in Section 2.14" and "Habitat areas that have been designated as critical habitat under the federal Endangered Species Act (FESA) are discussed in Section 2.17, Threatened and Endangered Species" (Page 189).

Comment: Wetlands and Waters are discussed in Section 2.3.2.

Issue #2: The Lead Agency's DMND states, "The implementation of Alternative 2 has the potential to impact Yellow Warbler and White-tailed kite during the construction phase of this Project. *Because these species have the ability to fly away, direct impacts to individual adults are not expected during the construction phase of this project.* Potential exists for impacts to nesting birds should they be present. The implementation of Alternative 2 also has the potential to impact Spotted Bat (*Euderma maculatum*) and Western small-footed myotis (*Myotis ciliolabrum*) during the construction phase of this project" (Page 290).

Comment: CDFW is concerned with regards to the numerous special status species on or near the Project as they are briefly described in the Mitigation and Monitoring report, Appendix C, BIO-8, 9, 15, 16, 18, 19, and 20. These measures discuss potential impacts to Western Spadefoot (*Spea hammondi*), Western Pond Turtle (*Emys marmorata*), and Two-striped Garter snake (*Thamnophis hammondi*). Many species are addressed in the DMND as: 1) Not expected to occur therefore no effect on species; 2) Not observed during focused surveys; or 3) Potential to occur; but none observed during site visits. CDFW does not concur with this finding. The Lead Agencies DMND states only pre-Project surveys will be conducted for presence and absence of the above named species. CDFW recommends measures to avoid, minimize, and mitigation for species and loss of habitat be considered in the final MND.

A-7.3

A-7.4

Responses to Comment Letter A-7 California Department of Fish and Wildlife

Response to Comment A-7.3

The identified references in section 2.3.1 (Natural Communities) have been corrected.

Response to Comment A-7.4

Focused surveys would again be conducted for these species by qualified biologists during the appropriate season within one year prior to clearing and grubbing. Should any of these species be found, Caltrans will coordinate with California Department of Fish and Wildlife to develop appropriate mitigation measures. Because none were found during site surveys, none are expected to be impacted with the implementation of the proposed project and therefore no mitigation measures are warranted at this time.

Ms. Susan Tse, Senior Environmental Planner
Caltrans Department of Transportation (District 7)
December 15, 2017
Page 6 of 7

The Lead Agency should be aware that the white-tailed kite is a Fully Protected species; therefore, full avoidance of the species is required. Fish & Game Code Section 3511 stipulates, except in certain circumstance, “a fully protected bird may not be taken or possessed at any time.” Take, as defined by FG Code section 86, “means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Therefore, no provision in State law allows for the “take” of whit-tailed kite and full avoidance must be implemented.

A-7.5

Issue #3: The Mitigation and Monitoring Report from Appendix C, BIO-6, states, “Should pre-construction surveys determine presence of this species, a qualified biologist will establish Environmentally Sensitive Area fencing surrounding the areas where individuals of plant species are found. If impacts cannot be avoided, individual specimens of species shall be collected and propagated at preapproved nurseries and replanted onsite, whenever possible.” All the plants listed in the Lead Agency’s DMND are described as: 1) None found or 2) Not expected to occur and therefore no effect on species.

Comment: The DMND identifies a plant that could need potential avoidance measures; but the Lead Agency never identifies the species discussed and is not identified in BIO-6, in the Mitigation and Monitoring Measures. CDFW cannot make any determination as to the effectiveness of this mitigation strategy with no knowledge of the species impacted. In addition, Figure 22 on Page 195 of the Lead Agency’s DMND depicts a significant wetland and Mulefat habitat area mapped within the Arroyo Simi that appears not to be included in the impacts evaluated for the Project. Instead, the DMND states due to the upland nature of impacts associated with Alternative 2 no instream impacts are anticipated. In Section 2.3.4, it states “every plant species of special concern does exists on-site.” CDFW does not concur.

A-7.6

Recommendation: To minimize significant impacts CDFW Recommends the Lead Agency conduct a recent floristic, alliance-and/or association- based mapping and vegetation impact assessment at the Project site, and within the neighboring vicinity. Evans (2009) *Identification and mapping of rare plant communities* is recommended for mapping an isolated area for unique and rare plants. Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect affects offsite, such as from dust, hillside slippage, and vibration. Habitat mapping at the alliance level will help establish baseline vegetation conditions. In addition, the CDFW website, with regard to Natural Communities, can provide guidance for surveying and mapping sensitive and rare plant communities:
<https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities/List>.

A-7.7

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form located at the following link:
http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB located at the following link:
http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

**Responses to Comment Letter A-7
California Department of Fish and Wildlife**

Response to Comment A-7.5

Caltrans is aware of the status and level of protection of white-tailed kite. No impact to this species would occur with the implementation of this project.

Response to Comment A-7.6

The Avoidance, Minimization and/or Mitigation Measures discussion for section 2.3.3 (Plant Species), as well as Appendix C, have been revised for clarification regarding the avoidance measures indicated by the commenter.

Table 43 lists the potential impacts to Mulefat habitat area mapped within the Arroyo Simi. No impacts to these resources would occur with the implementation of Alternatives 1 and 3.

Response to Comment A-7.7

A focused floristic survey was conducted by qualified biologists within the project limits and surrounding area during the appropriate time of year. Habitat was mapped using plant community mapping guidelines provided on California Department of Fish and Wildlife website. Impact analysis was conducted based on such results.

Ms. Susan Tse, Senior Environmental Planner
Caltrans Department of Transportation (District 7)
December 15, 2017
Page 7 of 7

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the DMND to assist the Lead Agency in identifying and mitigating Project impacts on biological resources. Direct questions regarding this letter, or further coordination, to Ms. Jamie Jackson, Senior Environmental Scientist (Specialist), at (805) 382-6906 or jamie.jackson@wildlife.ca.gov.

Sincerely,



Betty J. Courtney
Environmental Program Manager I
South Coast Region

cc: Ms. Christine Found-Jackson, Newbury Park
Ms. Jamie Jackson, Oxnard
Ms. Sarah Rains, Thousand Oaks

Office of Planning and Research, State Clearinghouse, Sacramento

Steve Henry, (U.S. Fish and Wildlife Service)
Ventura Office
steve_henry@fws.gov

Valerie Carrillo-Zara at RWQCB (Regional Water Quality Control Board)
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Jacqueline Phelps (California Coastal Commission)
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Responses to Comment Letter A-7
California Department of Fish and Wildlife

See pages 18 – 21 of this appendix.

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